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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 AARON C. STEVENSON, et al.,

No. C-11-4950 MMC

12 Plaintiffs,

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
MOTION TO CONTINUE PRETRIAL AND
TRIAL DEADLINES**

13 v.
14 THE CITY AND COUNTY OF SAN
FRANCISCO, et al.,

15 Defendants.

16 _____ /

17 Before the Court is plaintiffs' Administrative Motion and Motion to Continue Pretrial
18 and Trial Deadlines, filed March 28, 2013. Defendants have filed opposition. Having read
19 and considered the parties' respective written submissions, the Court rules as follows.
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21 Although defendants correctly observe that the instant motion is not properly brought
22 as a motion for administrative relief, see Civil L. R. 7-11 (providing motion for administrative
23 relief appropriate for such matters as requests to exceed page limitations or to file
24 documents under seal), the Court will exercise its discretion to hear the matter in the
25 manner presented, as defendants not only had but took the opportunity to respond to the
26 merits of the motion, and, consequently, are not prejudiced by plaintiffs' failure to correctly
27 notice the motion.¹
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¹Moreover, given plaintiffs filed the motion as an administrative motion, plaintiffs are precluded from filing a reply to defendants' opposition. See Civil L.R. 7-11(c).

1 Turning to the merits of the motion, the Court finds that, in light of the timing of the
 2 production of the discovery materials covered by the parties' stipulated protective order,
 3 plaintiff has shown good cause exists to extend the remaining pretrial deadlines, albeit not
 4 for the full length of time requested by plaintiff. Accordingly, to the extent the motion seeks
 5 an order extending the remaining pretrial deadlines, the motion is hereby GRANTED in
 6 part, and the Court hereby EXTENDS the remaining pretrial deadlines, as follows:

7	Non-expert Discovery	August 30, 2013
8	Designation of Experts	September 20, 2013
9	Designation of Rebuttal Experts	October 4, 2013
10	Expert Discovery	October 25, 2013
11	Filing of Dispositive Motion(s)	November 8, 2013
12	Meet and Confer	December 23, 2013

13 Further, in light of the above, the Status Conference is hereby CONTINUED from
 14 May 10, 2013 to August 23, 2013, at 10:30 a.m.; the parties shall file a Joint Status
 15 Conference no later than August 16, 2013.

16 To the extent the motion seeks a continuance of the pretrial conference and trial
 17 dates, the motion is hereby DENIED, as sufficient time for completion of discovery and
 18 resolution of pretrial motions remains without modification of the pretrial conference and
 19 trial dates as presently set.

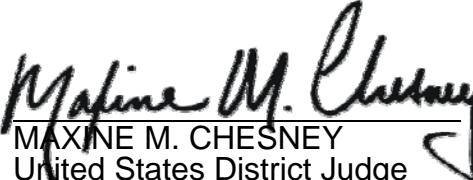
20 Lastly, the Court considers whether plaintiffs have shown good cause for an
 21 extension of the deadline to amend pleadings. Deadlines set out in a pretrial order "may be
 22 modified only for good cause." See Fed. R. Civ. P. 16(b)(4). "Rule 16(b)'s 'good cause'
 23 standard primarily considers the diligence of the party seeking the amendment." Johnson
 24 v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). "Good cause may be
 25 found to exist where the moving party shows . . . [1] that it is unable to comply with the
 26 scheduling order's deadlines due to matters that could not have reasonably been foreseen
 27 at the time of the issuance of the scheduling order, and [2] that it was diligent in seeking an
 28 amendment once it became apparent that the party could not comply with the scheduling

1 order." See Kuschner v. Nationwide Credit, Inc., 256 F.R.D. 684, 687 (E.D. Cal. 2009).
2 Here, plaintiffs have not made the requisite showing. In particular, plaintiffs have not
3 provided the proposed amended pleading or otherwise sufficiently identified the nature of
4 the new claims they wish to assert,² nor, consequently, have plaintiffs shown they could
5 not, with reasonable diligence, have discovered those claims earlier. Moreover, plaintiffs
6 have failed to set forth any facts to show they were diligent in seeking to extend the
7 deadline once they assertedly learned they had grounds to move to amend the operative
8 complaint.

9 Accordingly, to the extent the motion seeks an extension of the deadline to amend
10 the pleadings, the motion is hereby DENIED as premature, and without prejudice to
11 plaintiffs' filing a motion, pursuant to Civil Local Rule 7-2, in which plaintiffs identify both the
12 proposed amendments and any good cause that may exist to extend the deadline to
13 amend the pleadings.

14 **IT IS SO ORDERED.**

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16 Dated: April 5, 2013
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MAXINE M. CHESNEY
United States District Judge

27 ²Although plaintiffs assert they cannot amend until they have satisfied certain claim
28 presentation requirements under California law, nothing would appear to preclude plaintiffs
from submitting their proposed amended pleading prior to plaintiffs' having satisfied those
requirements.